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16
17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 **IN RE GOOGLE PLAY STORE**
ANTITRUST LITIGATION

21 THIS DOCUMENT RELATES TO:

22 *Epic Games, Inc. v. Google LLC et al.*, Case
No. 3:20-cv-05671-JD

23 *In re Google Play Consumer Antitrust*
24 *Litigation*, Case No. 3:20-cv-05761-JD

25 *State of Utah et al. v. Google LLC et al.*,
26 Case No. 3:21-cv-05227-JD

27 *Match Group, LLC et al. v. Google LLC et al.*,
28 Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DEFENDANTS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED RELATING TO
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' PROPOSED REMEDY
RE CHATS**

Judge: Hon. James Donato

1 Pursuant to Civil Local Rules 7-11 and 79-5(c-f), Defendants Google LLC, Google
 2 Ireland Limited, Google Commerce Ltd., Google Asia Pacific Pte. Ltd., and Google Payment
 3 Corp. (collectively, “Google”) respectfully submit this Administrative Motion to Consider
 4 Whether Another Party’s Material Should Be Sealed Relating to Defendants’ Opposition to
 5 Plaintiffs’ Proposed Remedy Re Chats (“Motion to Seal”). The excerpts at issue in this Motion to
 6 Seal are sourced from documents that are designated as “CONFIDENTIAL”, “HIGHLY
 7 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “NON-PARTY HIGHLY
 8 CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY” pursuant to the Protective Order
 9 entered by the Court, ECF No. 248.

10 Subsection (f) of Civil Local Rule 79-5 sets forth procedures that apply when a party
 11 seeks to file information designated as confidential by another party. Under subsection (e), the
 12 “motion must identify each document or portions thereof for which sealing is sought” and “serve
 13 the motion on the Designating Party the same day the motion is filed.” Pursuant to subsection
 14 (f)(1), the Designating Party has seven days to “file a statement and/or declaration” to establish
 15 why such designated material should be kept under seal pursuant to subsection (c)(1) of Civil
 16 Local Rule 79-5.

17 Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a
 18 party establishes that the documents are privileged, protectable as a trade secret, or otherwise
 19 entitled to protection under the law.

20 Google identifies the following portions of its Opposition to Plaintiffs’ Proposed Sanction
 21 re Chats and supporting papers as containing information designated as confidential by another
 22 party:

23
 24
 25
 26
 27

Document	Portion Containing Designated Information	Designating Party
Exhibit 8 to Kravis Decl.	Page 128, Line 19 (the word before “is one”).	Non-Party ¹
Exhibit 8 to Kravis Decl.	Page 128, Lines 20-22 (entire lines)	Non-Party
Exhibit 8 to Kravis Decl.	Page 128, Line 25 (first word of question).	Non-Party
Exhibit 8 to Kravis Decl.	Page 129, Line 1 (first word of sentence), Line 5 (between “conversation” and “decision”), Line 11 (between “with” and “we needed”), Line 19 (first word), Line 21 (entire line), and Line 22 (between “other than” and “there are”).	Non-Party
Exhibit 8 to Kravis Decl.	Page 129, Line 7 (between “else for” and “and they”).	Non-Party
Exhibit 10 to Kravis Decl.	Entire document.	Activision Blizzard King

¹ Identifying the designating parties, in the case of non-parties, would itself reveal the specific confidential information the non-party may seek to seal pursuant to Local Rule 79-5(f), so the identities of certain designating non-parties has not been included in this filing.

1 Dated: October 5, 2023

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